REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-18 are pending in the present application.

In the outstanding Office Action, Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Naughton et al. (U.S. Pat. No. 6,344,861, hereinafter "Naughton") in view of Cunningham et al. (U.S. Pat. Pub. No. 20020011923, hereinafter "Cunningham").

Claim Summary: Claim 1 defines an information processing apparatus comprising:

> a room image storage means for storing an image of a structure of a room;
> an item image storage means for storing an image of an item to be operated in said room;
> a display control means for controlling display of a first image on a display means by reading said image of said item selected by a user from said item image storage means while reading said image of said room selected by said user from said image storage means, and forming said first image such that said image of said item is incorporated in said image of said room, said display control means configured to transmit information over the Internet to communicate with said item to be operated.

Accordingly, in Claim 1 (and similarly in the other independent claims), there is communication over the Internet between a controller and a device to be operated.

The Art Rejection: Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection based on the following reasons.

The Office action acknowledges on page 2 that Naughton does not disclose said display control means configured to transmit information over the Internet to communicate with said item to be operated and relies on Cunningham to overcome this deficiency.

As noted in the previously filed response, Naughton does not use the Internet to remotely operate selected devices. Instead, the communication in Naughton takes place using radio waves, low power, cellular, infrared signals, or electrical signals on existing power lines in the case of an Echelon ® base LON® system. There is no mention in Naughton of any communication over an Internet network. Further, the remote control system in Naughton is primarily intended for use with "intelligent remote devices" 150, which are specifically designed to operate with the hand-held display device 170, and which broadcasts across the communications network 160 that it has a user interface program object to export.[1]

Therefore, Naughton suggests that use over the Internet is was not intended, nor possible, as communication takes place directly between the device to be controlled and the remote control itself. Regardless, the "intelligent remote devices" in Naughton do not constitute a disclosure of communication over the network, and indeed ***teach away*** from the use of Internet-based communication.

Additionally, Naughton is backward compatible with non-intelligent remote devices, referred to as "simple remote devices" and conventional electronic devices, control of such devices do not use the Internet. To control the simple remote device 155 of Naughton, the display device 170 invokes a method within the device driver object 351 to translate the user's interactions into simple predefined control codes. The display device 170 then transmits the simple predefined control codes to the simple remote device 155 which receives the control codes though receiver 421 and passes the information to the device control circuitry 425.[2] Conventional electronic device in Naughton are controlled by transmitted signals such as infrared signals.[3] Again, this further suggests that use over the Internet was

[1] Naughton et al. Figure 20 and column 26, lines 8-13.
[2] Naughton et al. column 9, lines 38-45.
[3] Naughton et al. column 9, lines 47-48.

not intended, nor possible, as communication takes place directly between the device to be controlled and the remote control itself.

Moreover, the communications medium 160 in Naughton does not communicate with a control server apparatus and a home network, (e.g., defined, for example, in dependent Claims 8, 9, 17, and 18). Accordingly, even if Naughton *did* use Internet-based communication, Naughton would still have to disclose a control server apparatus and a home network, as claimed by Applicant. However, Naughton does not disclose a control server apparatus and a home network. For all these reasons, Naughton does not disclose and indeed ***teaches away*** from a control means transmitting information over the Internet to communicate with an item to be operated, as defined in the independent claims.

The Court in *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994) stated that:

> A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, ***or would be led in a direction divergent from the path that was taken by the applicant.*** The degree of teaching away will of course depend on the particular facts; in general, a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant. [Emphasis added.]

Cunningham describes ***a stationary display*** that operates over existing power lines 25 or 27, whereby two or more devices can communicate ***over common power lines*** within a building. Therefore, Cunningham ***teaches away*** from a mobile display as all of the examples given in Cunningham are examples of a stationary device being used at fixed locations within a house.

Moreover, the communication in Cunningham between a control and an item to be operated takes place over existing power lines 25 or 27 and by way of bridge device 70, and not by communication over the Internet. Therefore, like Naughton, Cunningham also ***teaches***

away from a control means transmitting information over the Internet to communicate with an item to be operated, as defined in the independent claims.

Accordingly, both Naughton and Cunningham ***teach away*** from the claimed invention. Hence, for at least these reasons, the claimed invention is not obvious in view of Naughton and Cunningham.

Furthermore, the ***control devices*** in Naughton and Cunningham each perform different functions than the primary function of the claimed device. The function of the individual devices in the respective references differ from the claimed mobile display device in that, for instance, the remote control device in Naughton functions by transmitting infrared signals which by their very nature require controlling a device within a line of sight. On the other hand, the control device in Cunningham, while having the capability of external communications to the network, functions by using the control devices within the house and communicating over power lines 25 or 27 and over bridge device 70. However, in Cunningham, there is no direct communication over the Internet between the controller and the device to be operated.

Therefore, neither reference discloses or suggests transmitting information over the Internet to communicate with the item to be operated, as recited in Claim 1. M.P.E.P. § 2143.03 requires, to establish a case of *prima facie* obviousness, all the claim limitations must be taught or suggested by the prior art.

Hence, with respect to the feature of transmitting information over the Internet to communicate with said item to be operated, a case of *prima facie* obviousness has not been established, and independent Claims 1 and 10 (and the claims dependent therefrom) are believed to patentably define over the art of record.

With regard to the rejection of Claims 2-9 and 11-18 as unpatentable over Naughton in view of Cunningham, it is noted that Claims 2-9 and 11-18 are dependent from either

Claim 1 or Claim 10, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Cunningham does not cure any of the above-noted deficiencies of Naughton. Accordingly, it is respectfully submitted that Claims 2-9 and 11-18 are patentable over Naughton in view of Cunningham.

Conclusion: In light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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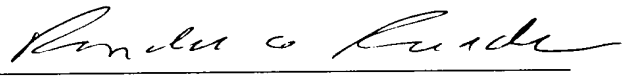

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